



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Unauthorised Development

**106A High Street Barnstaple Devon EX31 1HP
HM Land Registry title numbers
DN572127 (freehold) and DN572129 (leasehold)**

**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991)
("The Act")**

**Issued by: North Devon District Council
("The Council")**

Enforcement reference number: 10654

1. THIS IS A FORMAL NOTICE, which is issued by the Council because it appears to it that there has been a breach of planning control, under Section 171(1)(a) of the Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. THE LAND AFFECTED

106A High Street Barnstaple Devon EX31 1HP as shown edged red on the enclosed location plan.

("The Land")

3. THE BREACH OF PLANNING CONTROL ALLEGED

Within the last 4 years unauthorised operational development consisting of the installation of a roller shutter.

4. REASONS FOR ISSUING THIS NOTICE

This Enforcement Notice has been issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:

Planning permission was refused under application 65747 on 21 December 2018 for the installation of an automated roller shutter to the front of the building.

The shutter blanks the shopfront, which is recessed, and does not allow visibility in to the shopfront creating a 'dead space' which can easily become a target for graffiti and impacts on the amenity of the wider area and increases the fear of crime. In design and heritage terms, due to the utilitarian design, the shutter does impact negatively on the character and appearance of the area, which is a designated Conservation Area, with nearby Listed Buildings.

The solid external shop shutter is therefore considered to be contrary with Policies DM04 and DM22 of the adopted North Devon and Torridge Local Plan, the Duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and the Council's adopted Supplementary Planning Document on shopfronts.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 below be undertaken within 3 months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Remove the roller shutter and associated fittings from the front of the building
2. Remove debris and make good any damage to the fabric of the building, following compliance with step 1.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 29 September 2019 ("the effective date") unless an appeal is made against it beforehand.

Dated: 29 August 2019

Signed:

Head of Place

On behalf of:

North Devon District Council
Lynton House
Commercial Road
Barnstaple
Devon
EX31 1DG

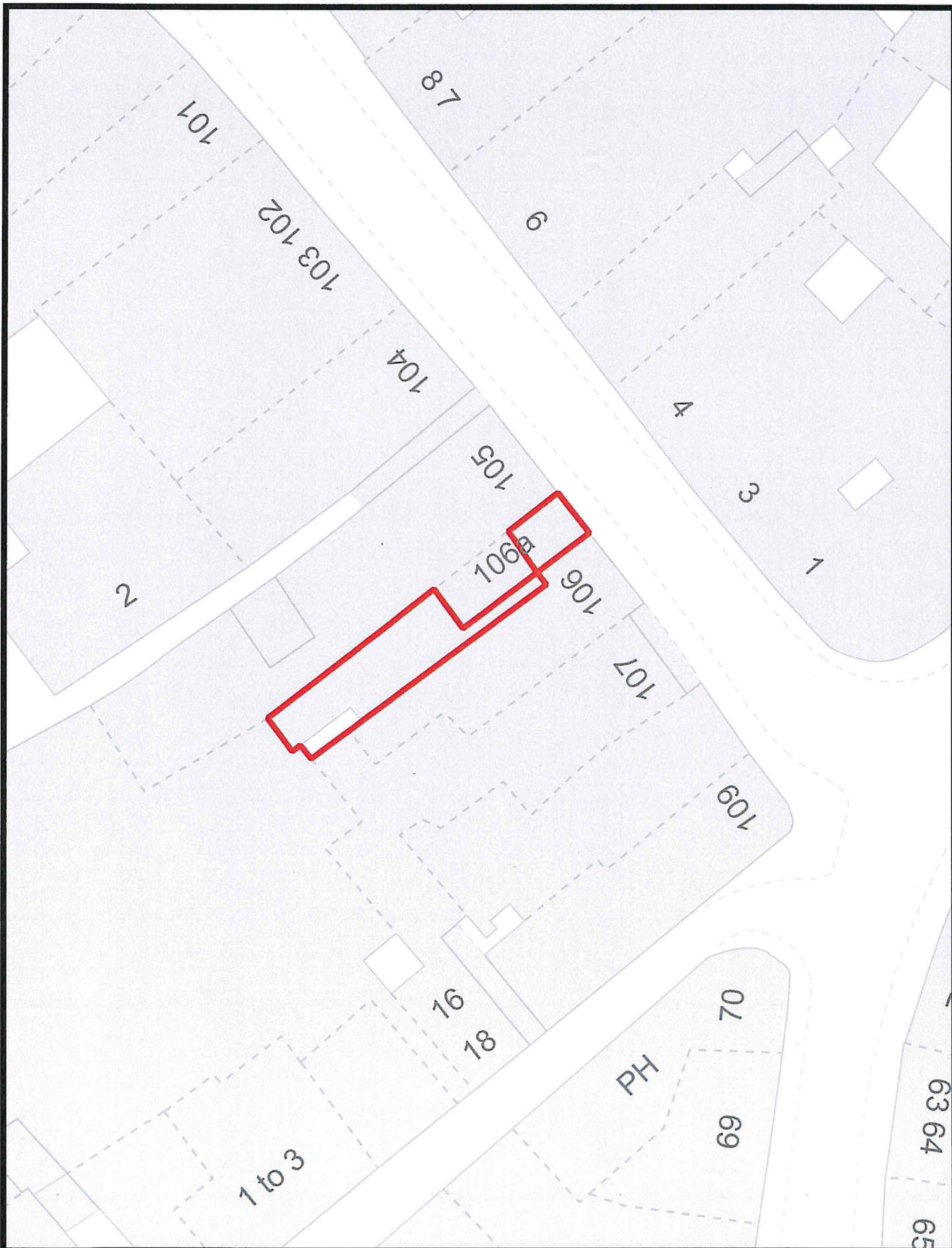
GUIDANCE NOTES FOR YOUR INFORMATION

THE RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The attached Planning Inspectorate Guidance Sheet provides details of where you can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A appeal is £468.00 (2 x £234.00).

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

10654 - 106A High Street, Barnstaple

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Copy Supplied to:
Enforcement

Scale: 1:300 at A4
Date: June 2019

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

**TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL PERMISSION FOR DEVELOPMENT**

UNDERWOOD WARMINGTON
SUITE 4
BRIDGE CHAMBERS BUSINESS CENTRE
BARNSTAPLE
EX31 1HB

APPLICATION No.: 65747

**DATE REGISTERED: 15-NOV-18
DECISION DATE: 21-DEC-18**

The North Devon District Council in pursuance of powers under the above mentioned Act hereby refuse to grant planning permission for

RETROSPECTIVE APPLICATION FOR INSTALLATION OF AUTOMATED ROLLER SHUTTER TO FRONT OF BUILDING AT 106A HIGH STREET BARNSTAPLE

For the following reasons:

(1) In this instance the shutter blanks the shopfront, which is recessed, and does not allow visibility in to the shopfront creating a 'dead space' which can easily become a target for graffiti and gives a poor impression of the wider area and increases the fear of crime. In design and heritage terms, due to the utilitarian design, the shutter does impact negatively on the character and appearance of the area, which is a designated Conservation Area, with nearby Listed Buildings. The solid external shop shutter is therefore considered to be contrary with Policies DM04 and DM22 of the adopted North Devon and Torridge Local Plan, the Duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and the Council's adopted SPD on shopfronts.

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This has included consideration of design and heritage assets. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

End of Decision.

North Devon Council
Strategic Development and Planning
Lynton House, Commercial Road, Barnstaple,
EX31 1DG

Michael Tichford MRTPI
Head of Place



Please remove any site notice relating to this application from your property as the decision has now been made.